THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35230 of 1998

ORDER:

This writ petition is filed seeking a Mandamus declaring G.O.Ms.No.224, Irrigation and Command Area Development (Irrigation.II) Department dated 14.7.1995 issued by the first respondent as illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India.

It is the case of the petitioners that the irrigation canal called as Muniyeru supply channel was excavated for a length of 42.6 kms. to supply water for an ayacut of 11,500 acres. An extension channel, which is called as Muniyeru extension channel was excavated for a length of 7.5 kms. during the year 1952 from Magallu village upto Raghavapuram and Satyavaram villages of Nandigama mandal. The extension channel runs in a 'U' shaped alignment between 2.9 kms. and 4.7 kms. especially to serve an ayacut of 2627 acres. In the 'U' shaped alignment, the land belongs to the villagers of Rudravaram and Gollamudi were benefited in addition to other villages viz. Pallagiri, Raghavapuram and Satyavaram. Since, Government did not attend to the repair works for the Muniyeru extension channel for more than 15 years, there is a scarcity of water for the lands in 'U' shaped alignment. The villagers made several representations to the authorities in this regrd, but there was no reply. About 181 acres of Gollamudi village is covered under the Muniyeru extension channel as permanent ayacut and an extent of nearly 250 acres is covered as temporary ayacut. Similarly, an extent of 747 acres of Rudravaram village is covered under the Muniyeru extension channel as permanent ayacut and 235 acres as temporary ayacut. The Muniyeru extension channel is covering the total extent of 1420 acres. While so, the

impugned G.O. has been issued whereunder the Government has accorded sanction for excavation of extension channel to Muniyeru canal for an amount of Rs.3.56 lakhs. The said sanction is subject to the availability of land free of cost from the former president for excavation of channel. In view of the same, the authorities are trying to start excavation work between the border of Magallu and Rudravaram villages. If the excavation work is started, it will be only benefited to the lands situated in Pallagiri village limits. In view of the proposed excavation, the flow of Muniyeru channel towards Rudravaram and Gollamudi will be affected and there is no possibility of flowing water to the lands of the said villages. It is also stated that petitioners earlier filed W.P.No.28164 of 1996, which was disposed of by this Court directing the respondents to conduct an enquiry. In spite of that, no enquiry was conducted and the authorities are proceeding ahead with the excavation of extension channel and if the said channel is dug in donka land which is the border of Rudravaram and Magallu villages, the passage to reach the lands situated on both sides of the proposed channel will be spoiled.

A detailed counter affidavit has been filed on behalf of respondents. It is stated that the Hydraulics of Muniyeru extension channel from KM 3.03 to 4.70 are retained as existing with necessary controlling arrangements to improve the system down below. The proposed link channel is now proposed to pass through the Government poramboke land. No private land is involved as alleged by the petitioners. Further, the enquiry as per the directions of this Court in W.P.No.28164 of 1995 was ordered and the District Collector, Krishna conducted an enquiry on 24.2.1998 after giving wide publicity and submitted a report to the Principal Secretary to the Government. The District Collector opined that the proposal to excavate a link

channel to the Muniyeru extension channel will not cause any damages to the existing ayacut of 456 acres in the 'U' turn portion and more over, it would provide better irrigation facilities to an extent of 2171 acres down below.

In view of the assertions made by the respondents in the counter affidavit, the writ petition is devoid of merits and liable to be dismissed. Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 17.7.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

17.7.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35230 of 1998

Dated: 17th July, 2006

Between:

Katragadda Ganesh & others.

.. Petitioners

and

The Government of A.P., rep. by its Secretary,
Irrigation & CAD (Irrigation-II) Department,
A.P. Secretariat, Hyderabad & others.

.. Respondents